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26 **UNITED STATES DISTRICT COURT**

27 **DISTRICT OF NEVADA**

28 TESLA, INC., a Delaware corporation,

Case No. 3:18-cv-00296-LRH-CBC

Plaintiff,

**STIPULATION AND [PROPOSED]  
MODIFICATION TO  
SCHEDULING ORDER**

vs.

**(THIRD REQUEST)**

MARTIN TRIPP, an individual,

Defendant.

29  
30 AND RELATED COUNTERCLAIMS

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1 Pursuant to Local Rule 26-4, Plaintiff and Counter-Defendant Tesla, Inc. (“Tesla”) and  
 2 Defendant and Counter-Plaintiff Martin Tripp (“Tripp”) submit the following Stipulation and  
 3 Proposed Modification to Scheduling Order. In accordance with the local rules and the Court’s  
 4 prior direction, the parties have chosen to engage in private mediation. Thus, the parties  
 5 respectfully submit that modification of the scheduling order is warranted to ensure the parties can  
 6 complete the mediation and remaining discovery. In support of and as good cause for this  
 7 stipulation, the parties state as follows:

- 8       (a)     On August 28, 2018, the Court entered the Discovery Plan and Scheduling Order  
       9            (“Scheduling Order”) (ECF No. 31);
- 10      (b)     On August 29, 2018, the parties exchanged initial disclosures pursuant to Federal  
       11            Rule of Civil Procedure 26(a)(1) and the Scheduling Order;
- 12      (c)     During the discovery period, the parties have exchanged expert reports, requests for  
       13            documents, interrogatories, and requests for admission as well as responses thereto;
- 14      (d)     The parties have also taken eleven depositions and plan to take several more;
- 15      (e)     On December 5, 2018 and March 6, 2019, the Court modified the Scheduling Order  
       16            pursuant to stipulation of the parties (ECF Nos. 55 & 68);
- 17      (f)     In June 2019, Tesla retained additional counsel for this case and they were granted  
       18            pro hac vice admission on June 4, 2019;
- 19      (g)     Pursuant to Local Rule 16-5 and the Court’s direction, the parties elect private  
       20            mediation as an alternative dispute resolution process;
- 21      (h)     The parties are in the process of selecting a mediator and scheduling the mediation,  
       22            and many of the potential mediators must be scheduled weeks or months in advance;
- 23      (i)     The parties respectfully submit that this mediation should be completed prior to the  
       24            outstanding depositions;
- 25      (j)     To allow for sufficient time to complete the mediation and the remaining  
       26            depositions, the parties agree to extend the following deadlines for sixty (60) days:  
       27            (i) the discovery cutoff date; (ii) the deadline for dispositive motions; and (iii) the  
       28            deadline for filing the pretrial order;

- (k) This is the third request for modification of the Scheduling Order;
- (l) The parties do not anticipate requesting further modification of the Scheduling Order; and
- (m) This stipulation complies with Local Rule 26-4 in that it is filed not later than twenty-one (21) days before the subject deadlines.

For the foregoing reasons, the parties stipulate and respectfully request that the Scheduling Order be modified as follows:

11. *Leptodora* (Leptodora) *hirsutum* (L.) Schlecht. (Fig. 11)

8       1.     **Discovery Cutoff Date:** Discovery shall be extended approximately sixty (60) days  
9 to September 9, 2019. This is the deadline for completing discovery and means all discovery must  
10 be commenced in time to be completed by September 9, 2019.

11       2.     **Dispositive Motions:** Dispositive motions may be filed no later than October 9,  
12 2019, which is thirty (30) days after the discovery deadline. In the event that the discovery period is  
13 extended from the discovery cutoff date set forth herein, the date for filing dispositive motions shall  
14 be extended for the same duration, to be no later than thirty (30) days from the subsequent  
15 discovery cutoff date.

16       3.     **Pretrial Order:** The pretrial order shall be filed by November 8, 2019, which is  
17     thirty (30) days after the date set for filing dispositive motions. In the event dispositive motions are  
18     filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the  
19     decision of the dispositive motions or until further order of the Court. In the further event that the  
20     discovery period is extended from the discovery cutoff date set forth herein, the date for filing the  
21     joint pretrial order shall be extended in accordance with the period set forth in this paragraph. The  
22     disclosures required by Federal Rule of Civil Procedure 26(a)(3), and any objections thereto, shall  
23     be included in the pretrial order.

24 4. All other deadlines remain as stated in the Discovery Plan and Scheduling Order  
25 previously entered by the Court (ECF Nos. 31, 55 & 68).

1 Dated: June 18, 2019

**CHARIS LEX P.C.**

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3 By: /s/ Sean P. Gates

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Sean P. Gates

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Attorneys for Plaintiff and

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Counter-Defendant Tesla, Inc.

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8 Dated: June 18, 2019

**TIFFANY & BOSCO, P.A.**

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By: /s/ William Fischbach

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William Fischbach

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Attorneys for Defendant Martin Tripp

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**ORDER**

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IT IS SO ORDERED:

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HON. CARLA BALDWIN CARRY  
UNITED STATES MAGISTRATE JUDGE

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DATED: \_\_\_\_\_

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